

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

CITY OF RENTON,	)	DOCKET TR-090913
)	
Petitioner,	)	ORDER 01
)	
	)	ORDER GRANTING PETITION TO
	)	RECONSTRUCT AND MODIFY THE
	)	ACTIVE WARNING DEVICES AT A
BNSF RAILWAY CO.	)	PUBLIC HIGHWAY-RAIL GRADE
	)	CROSSING AT LOWE’S ACCESS
Respondent.	)	ROAD (FORMERLY KNOWN AS
	)	BOEING ACCESS ROAD)
)	
.....	)	USDOT: #101367A

BACKGROUND

- 1 On June 12, 2009, the city of Renton (City or Petitioner) filed with the Utilities and Transportation Commission (Commission), a petition seeking approval to modify active warning devices at a railroad-highway grade crossing. The City filed a revised petition on September 25, 2009. The crossing is identified as USDOT #101367A and is located at the intersection of Lowe’s Access Road and BNSF Railway Company (BNSF) tracks in the city of Renton. Lowe’s Access Road was formerly known as Boeing Access Road.
- 2 Respondent BNSF has consented to entry of an Order by the Commission without further notice or hearing.
- 3 Current railroad warning devices at the intersection of Lowe’s Access Road and the respondent’s tracks in the city of Renton consist of a shoulder mounted gate and 12” flashing lights on the north approach only. A stop sign is located on the south approach. The roadway was originally limited to one-way traffic but was reconfigured for two-way traffic due to construction of a Lowe’s Home Improvement (Lowes) retail store.
- 4 Lowe’s Access Road is classified as an access road with two-lane, two-way traffic and a posted vehicle speed limit of 25 miles per hour. Average annual daily traffic through the crossing is estimated at eight commercial motor vehicles. The roadway is not open for use by the general public. Lowe’s Access Road is used only by trucks delivering freight to the retail store.

5 The respondent maintains one branch line track at this location. Average weekly train traffic is two freight trains. The authorized train speed is 25 miles per hour. No passenger trains operate on these tracks.

6 Prior to construction of the Lowe's store, the parcel was used as a parking lot for Boeing employees. During this time, traffic was restricted to one-way on Boeing Access Road to enter the parking lot. Employees exited the parking lot onto Garden Avenue. The original signalization of the crossing was designed to accommodate this lane configuration and traffic flow.

7 The revised petition proposes to install a second shoulder mounted signal mast with lights and a gate in the southwest quadrant of the crossing. The existing signal mast and gate in the northeast quadrant will be relocated to accommodate the new roadway configuration.

8 The proposed reconstruction and modification of active warning devices to the highway-rail grade crossing located at Lowe's Access Road are necessary to safely move traffic in and out of the Lowe's store for delivery of freight by commercial motor vehicles.

FINDINGS AND CONCLUSIONS

9 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington having jurisdiction over public railroad-highway grade crossings within the state of Washington. *Chapter 81.53 RCW*.

10 (2) The Lowe's Access Road grade crossing, identified as USDOT #101367A is a public railroad-highway grade crossing within the state of Washington.

11 (3) WAC 480-62-150(1)(g) requires that the Commission grant approval prior to reconstruction or upgrades of warning devices at a public railroad-highway grade crossings within the state of Washington.

12 (4) Commission Staff investigated the revised petition and recommended that it be granted.

13 (5) After examination of the petition filed by the City of Renton on June 12, 2009, and revised on September 29, 2009, giving consideration to all relevant matters and for good cause shown, the Commission grants the revised petition.

ORDER

THE COMMISSION ORDERS:

14 The revised petition of the city of Renton to reconstruct and upgrade warning devices at a railroad-highway grade crossing at the intersection of Lowe's Access Road and the respondent's tracks in the city of Renton is granted. Approval of the revised petition is subject to the following conditions:

- (1) The modifications must conform to those described in the revised petition.
- (2) Traffic control devices must comply with all applicable standards specified in the U.S. Department of Transportation Manual on Uniform Traffic Control Devices.
- (3) All flashing light lenses must be upgraded to LED to increase visibility at the crossing.
- (4) Petitioner must notify Commission Staff within 30 days upon completion of this project.

The Commissioners, having determined that this filing complies with the requirements of WAC 480-62-150(1) (g) and RCW 81.53.030, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective October 16, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary

NOTICE: This is an order delegated to the Secretary for decision. In addition to serving you a copy of the decision, the Commission will post on its Internet Web site for at least fourteen (14) days a listing of all matters delegated to the Secretary for decision. You may seek Commission review of this decision. You must file a request for Commission review of this order no later than fourteen (14) days after the date the decision is posted on the Commission's Web site. The Commission will schedule your request for review for consideration at a regularly scheduled open meeting. The Commission will notify you of the time and place of the open meeting at which the Commission will review the order.

The Commission will grant a late-filed request for review only on a showing of good cause, including a satisfactory explanation of why the person did not timely file the request. A form for late-filed requests is available on the Commission's Web site.

This notice and review process is pursuant to the provisions of RCW 80.01.030 and WAC 480-07-904(2) and (3).